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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,453	09/05/2003	Yuan Wu	03-SIN-092	8429
30425 7590 12/09/2010 STMICROELECTRONICS, INC. MAIL STATION 2346 750 CANYON DRIVE, SUITE 300 COPELL, TX 75019				
EXAMINER				
PAUL, DISLER				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
12/09/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/656,453

Applicant(s)

WU ET AL.

Examiner

DISLER PAUL

Art Unit

2614

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 4-6; 13-17; 34-37; 39.
Claim(s) rejected: 33; 30-31; 38; 41-43.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/Devona E. Faulk/
Primary Examiner, Art Unit 2614

Continuation of 13. Other: in regard to the examiner's rejection of the independent claim 33, the applicant argued that the examiner has not established a prima facie case of obviousness since the prior art as noted (herein, Tanner) which teach the limitation concept wherein "the path as include a delay and filter signal", would not have been used in the art by one of the ordinary skills in the art to solve the deficiency as disclosed.

as noted above, While, the combined teaching of Kubota et al. and Kumamoto as a whole, disclosed a virtualizer comprising: a virtualizer comprising: a first feedback crossover path configured to receive, and filter signals output from the virtualizer; and a forward crossover path configured to receive, and filter an output of a first filter, wherein an output of the first feedback path and an output of the forward crossover path are, combined to produce at least one output signal from the virtualizer (fig.1 (b) (103a; 103b); fig.5; fig.13 (1303); fig.15-16 (1503; 1603); col.8 line 52-67 & col.9 line 1-49; col.18 line 6-15; col. 19 line 5-15/herein the virtualizer comprise an output of a forward crossover path filter and output of a feed back path which are then combined) so as to produce virtual sound images in which multiple cancellation, in which the generation of crosstalk canceling signal and the crosstalk cancellation using the generated signal are repeated become possible.

But, the deficiency wherein such concept of "a virtualizer system with path to delay and filters signal" is taught by "Tanner, Jr. et al. as noted in (fig.4A (420,421); col.7 line 30-60) so as to compensate for the time it takes an undesired crosstalk signal to reach the opposite ear of the listener wherein such signal is to be cancelled. thus, it would definitely obvious for one of the ordinary skills in the art to have substituted the crossover path with filter and also include a delay in that similar crossover path in the corresponding path signal so as to compensate for the time it takes an undesired crosstalk signal to reach the opposite ear of the listener wherein such signal is to be cancelled. therefore, the applicant's argument is not persuasive and the examiner rejection is maintained.